



May 16, 2007

SUBJECT: THE LAND DEVELOPMENT ORDINANCE COMMITTEE

The Land Development Ordinance Committee (LDOC) met Wednesday, May 16, 2007, at 4 p.m., in the second floor Seminar Room located at The Plaza, 100 W. Innes Street, to discuss rewriting Salisbury's ordinance code. In attendance were George Busby, Bill Burgin (Co-chair), John Casey, Mark Lewis (Co-chair), Brian Miller, Rodney Queen, Jeff Smith, and Victor Wallace.

Absent: Jake Alexander, Karen Alexander, Phil Conrad, Steve Fisher, and Bill Wagoner

Staff Present: Janet Gapen, Dan Mikkelson, Diana Moghrabi, Joe Morris, David Phillips, Lynn Raker, and Patrick Ritchie

The meeting was called to order with Bill Burgin (Co-chair) presiding. The minutes of the May 9, 2007, meeting were accepted.

Chapter Summaries

Page 13-6, Section 13.9, Nonconforming Street Frontages

States that, *"For an existing non-residential or multi-family use, if there is an expansion to the heated square footage or to the paved areas which increases the total paved area more than 40 percent, the lot shall fully comply with the sidewalk requirements of Chapter 9."*

Dan Mikkelson reported that:

- A matrix on magnitude is not yet available.
- A comparison to Chapter 9 will be completed later.

13.10 Non-conforming Plans

- David Phillips said there needs to be two—one for non-conforming uses and one for non-conforming principle structures.
- If you have an approved site plan, it is good for one-year; an approved preliminary subdivision plat is good for two years. Once your plan is expired you would have to go to the new code. Planning Board will have the right to require an update to new standards. (like requiring sidewalks)

13.11 Nonconformities in a Watershed Area

- Patrick Ritchie referred to Chapter 6, page 28, Section 6.6. There is no section like this in the current code; there is less than 80 acres on the western end of Salisbury.

13.12 Appeals and Modifications

- Appeals go to the Zoning Board of Adjustment (ZBA) – No Change.

Chapter 14 Agencies, Boards and Commissions

- Janet Gapen reported that 14.1 A.1-4 are neutral. Number 5 is statutorily new.

14.2 Boards and Commissions Established

- Planning Board section is neutral except for the addition of Conditional Districts.
- ZBA is neutral except for additional language 1.b to hear appeals from the TRC (new)
- HPC is already being reviewed by ZBA
- City Code spells out membership to Planning Board
- Zoning Code spells out ZBA and HPC—why the inconsistency with Planning Board? Recommend putting all three in either the City Code or the Zoning Code. It has not been a problem. Joe Morris will investigate further to find out if there is a reason for this before making any change.
- Keep Planning Board and ZBA separated—ZBA is more judicial.
- Page 14-4 C. Historic Preservation Commission—Add “d” *Other Duties*.
- Page 14-5 D. Technical Review Committee (TRC) is new. On page 14-5 under TRC1.b.3 add “with reasons” to the end of the sentence.
- Under TRC-2 Membership, change “ex-officio” to “non-voting.”
- Major change regarding review authority. The three types are Administrative, TRC and Legislative.

Victor Wallace had some questions about the matrix and it was decided that we all need an updated version of the use matrix.

Section 14.2.D.1.b.—The committee had a discussion about the removal of option #4 (to table a site plan). If a site plan is turned down at the TRC level, there is no charge to address comments and resubmit. If it is turned down at the Council level, the developer would start over and new fees would be charged. Bill Burgin asked what distinguishes between #2 & #3. There was a concern about a developer who intends to be “out” with no regard to the ordinance. These are time wasters. Victor suggested a developer advocate, which Dan Mikkelsen said is a project manager. Joe suggested that we put a marker here and come back to this after reviewing Chapters 15 and 16. He went further to say to add #4 so TRC can temporarily suspend the review pending clarification or modification of the submittal by the applicant.

The committee discussed the balance of the TRC staff. It will now be an open meeting; the developer can hear the conversation and interject if staff needs clarification. A current weakness is that there is little dialogue between staff and the developer. TRC will need to have rules of procedure.

Victor suggested a time limit to submit and respond. Utility plans have to go to the State which all agree is terrible. There is a game plan to get local permitting.

SUMMARY

The upcoming “to do list”–

- Go back to Chapter 5
- Chapter 15, Development Application Process will be covered next meeting
- Chapter 16, Development Plan Requirements
- Chapter 17 Violations and Penalties
- Chapter 18 Definitions
- Review of things that are coming back for clarification
- Make bullet points of consensus items
- Test the ordinance with several examples of the most common development
- Test a completed project

The meeting was adjourned at 5:30 p.m.

DM